

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN J. GRIFFIN, JR.,

Defendant.

8:12CR276

ORDER

Defendant Adrian J. Griffin, Jr. (Griffin) appeared before the court on December 6, 2013, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 66). Griffin was represented by Assistant Federal Public Defender Jeffrey L. Thomas and the United States was represented by Assistant U.S. Attorney Thomas J. Kangior. Through his counsel, Griffin waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Griffin should be held to answer for a final dispositional hearing before Judge John M. Gerrard.

The government moved for detention. Through counsel, Griffin declined to present any evidence or request a hearing on the issue of detention. Since it is Griffin's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Griffin has failed to carry his burden and that Griffin should be detained pending a dispositional hearing before Judge Gerrard.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge John M. Gerrard in Courtroom No. 1, Fourth Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 2:30 p.m. on January 3, 2014**. Defendant must be present in person.

2. Defendant Adrian J. Griffin, Jr., is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 6th day of December, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge